IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.5339 OF 2006

IN

FIRST APPEAL NO.93 OF 2002

Mr.Vallabhai Moolji Dedhia : Applicant

versus

Mr.Terrence Joseph Coutino

and others : Respondents.

Mr.S.M.Sabrad i/by R.D.Suryawanshi for the applicant.

Mr.A.J.Almeida for Respondent Nos.1 and 2.

CORAM : J.N.PATEL &

A.A.SAYED, JJ.

DATED : OCTOBER 15, 2007.

P.C.

1. Heard. This civil application is filed by original Defendant No.2 seeking stay of the operation and effect of the judgment and decree

dated 31.08.2000 passed by the II Joint Civil Judge, Senior Division, Thane in Special Civil Suit No.1337 of 1996. The subject matter of the suit is two galas which the plaintiffs agreed to purchase from Defendant No.1 who claimed that these galas have been sold to Defendant No.2.

2. From the impugned judgment and decree We find that the Respondents have already paid the amount of consideration and, therefore, in our view , it will not be proper to pass any interim order as sought in this application to affect the operation of the impugned judgment and decree and thereby staying execution of the same. But this Court makes it clear that during pendency of the appeal, the Respondents/decree holders shall not create any third party rights and/or alienate, part-with possession of the suit property and/or transfer these two galas in favour of any third party without permission of this Court. With these directions, the civil application is rejected.

[A.A.SAYED,J] **[J.N.PATEL,J]**